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October 20, 2011

**VIA ECF**

The Honorable George H. Lowe  
Magistrate Judge  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK  
100 S. Clinton Street  
Federal Building and U.S. Courthouse  
Syracuse, NY 13261-7346

**Re: Utica Mut. Ins. Co. v. Fireman's Fund Ins. Co., No. 6:09-CV-0853 (DNH/GHL)**

Dear Magistrate Judge Lowe:

We are counsel for Utica Mutual Insurance Company in the captioned lawsuit.

On September 12, 2011, Utica filed a Motion for Protective Order. We received the opposition filings from Fireman's Fund Insurance Company on October 12. After reviewing the opposition, Utica determined that it improperly references, is based on, and relies on, confidential information. We first advised you of this issue in our October 13, letter, and respectfully requested that the Court not review the opposition filings under the confidentiality dispute was resolved. We continued to confer with Fireman's Fund's counsel and were unable to resolve the dispute. Accordingly, pursuant to Local Rule 7.1(b)(2), in our October 14, 2011, letter to Your Honor, we requested a pre-motion conference regarding Utica's need to file a motion to strike portions of Fireman's Fund's opposition.

Utica's reply brief for the Motion for Protective Order is due tomorrow, October 21, 2011. Utica requests that the October 21 deadline be stayed pending the resolution of the confidentiality dispute. Until the Court resolves the confidentiality dispute, Utica will not be able to determine which arguments and other information Fireman's Fund can properly rely on in its opposition. Consequently, Utica should be permitted to file its reply after the confidentiality dispute is resolved.

We conferred with Fireman's Fund's counsel regarding Utica's request to stay the reply deadline and were advised yesterday evening that Fireman's Fund opposes Utica's request.

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Sincerely,

A handwritten signature in black ink, appearing to read "Syed S. Ahmad", with a horizontal line extending to the right.

Syed S. Ahmad

cc: Mary A. Lopatto  
John F. Finnegan